
TITLE 71 INDIANA HORSE RACING COMMISSION

Emergency Rule
LSA Document #10-607(E)

DIGEST

Amends [71 IAC 5-1-1](#) concerning licenses required. Amends [71 IAC 5.5-1-1](#) concerning licenses required. Amends [71 IAC 13.5-3-2](#) concerning breeder's awards. Amends [71 IAC 13.5-3-4](#) concerning stallion owner's awards. Effective September 16, 2010.

[71 IAC 5-1-1](#); [71 IAC 5.5-1-1](#); [71 IAC 13.5-3-2](#); [71 IAC 13.5-3-4](#)

SECTION 1. [71 IAC 5-1-1](#) IS AMENDED TO READ AS FOLLOWS:

[71 IAC 5-1-1](#) Licenses required

Authority: [IC 4-31-3-9](#); [IC 4-31-6-2](#); [IC 4-31-13-4](#)

Affected: [IC 4-31](#)

Sec. 1. (a) A person shall not participate in pari-mutuel racing under the jurisdiction of the commission without a valid license issued by the commission. License categories shall include the following and others as may be established by the commission:

- (1) Racing participants and personnel (including owner, authorized agent, trainer, driver, assistant trainer, veterinarian, veterinary assistant, ~~horseshoer, and farrier~~, stable employees, **exercise rider, groom, pari-mutuel clerk, pony rider, track employee, track security, vendor employee, jockey, apprentice jockey, starting gate crew, farrier's assistant, valet, track management, practicing or track veterinarian, equine dentist, jockey agent, or other**).
- (2) Racing officials as listed in [71 IAC 3](#).
- (3) Persons employed by the association, or employed by a person or concern contracting with or approved by the association or commission to provide a pari-mutuel related service or commodity, with job duties which require their presence in a restricted area or which require their presence anywhere on association grounds.
- (4) Sole proprietors and all partners of a partnership contracting with or approved by the association or commission to provide a service or commodity.
- (5) Shareholders in a corporation, acting as a contractor or vendor, if required by the commission.
- (6) Commission employees with job duties which require their presence in a restricted area or which require their presence anywhere on association grounds.

(b) The commission may require a person working at a training center outside the enclosure, with horses competing at a track under the commission's jurisdiction, to obtain a valid license issued by the commission. A requirement for licensure under this section shall be made upon reasonable suspicion that such person's activities or reputation are inconsistent with maintaining racing with the highest standards and the greatest level of integrity. The executive director or judges may refuse entry or scratch any horse involving any such person who, after requested to obtain a valid license, fails to or is unable to obtain a license.

(c) Any person employed by an association solely to assist with the conduct of gambling games, or employed by a person or concern contracting with or approved by the association to provide a gambling game related service or commodity that requires their presence on association grounds, if in good standing and the holder of a current license issued by the gaming commission is considered a licensee of the commission, or must obtain a commission license if not in good standing and the holder of a current license issued by the gaming commission. Any licensee under this subsection is responsible for any and all obligations imposed upon a commission licensee under these rules and is subject to any sanctions, penalties, and/or fines for any violation of commission rules.

(d) Persons required to be separately licensed by the commission shall submit a completed application on forms furnished by the commission and accompanied by the required fee.

(e) License applicants may be required to furnish to the commission a set of fingerprints and a recent photograph and may be required to be refingerprinted or rephotographed periodically as determined by the

commission.

(f) The determination whether to issue a license may be placed in a pending status awaiting information requested and deemed necessary by the commission or its designee.

(Indiana Horse Racing Commission; [71 IAC 5-1-1](#); emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1139; emergency rule filed Aug 10, 1994, 3:30 p.m.: 17 IR 2905; emergency rule filed Mar 25, 1997, 10:00 a.m.: 20 IR 2154; emergency rule filed Feb 13, 1998, 10:00 a.m.: 21 IR 2398; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: [20070404-IR-071070030RFA](#); emergency rule filed May 12, 2008, 1:29 p.m.: [20080521-IR-071080353ERA](#); emergency rule filed Sep 16, 2010, 12:19 p.m.: [20100922-IR-071100607ERA](#))

SECTION 2. [71 IAC 5.5-1-1](#) IS AMENDED TO READ AS FOLLOWS:

[71 IAC 5.5-1-1](#) Licenses required

Authority: [IC 4-31-6-2](#); [IC 4-31-3-9](#); [IC 4-31-13-4](#)

Affected: [IC 4-31](#)

Sec. 1. (a) A person shall not participate in pari-mutuel racing under the jurisdiction of the commission without a valid license issued by the commission. License categories shall include the following and others as may be established by the commission:

- (1) Racing participants and personnel (including owner, authorized agent, trainer, assistant trainer, jockey, apprentice jockey, jockey agent, veterinarian, veterinary assistant, ~~horseshoer~~, and **farrier**, stable employees, **exercise rider, groom, pari-mutuel clerk, pony rider, track employee, track security, vendor employee, jockey, apprentice jockey, starting gate crew, farrier's assistant, valet, track management, practicing or track veterinarian, equine dentist, jockey agent, or other**).
- (2) Racing officials as listed in [71 IAC 3.5](#).
- (3) Persons employed by the association, or employed by a person or concern contracting with or approved by the association or commission to provide a pari-mutuel related service or commodity, with job duties which require their presence in a restricted area or which require their presence anywhere on association grounds.
- (4) Sole proprietors and all partners of a partnership contracting with or approved by the association or commission to provide a service or commodity.
- (5) Shareholders in a corporation, acting as a contractor or vendor, if required by the commission.
- (6) Commission employees with job duties which require their presence in a restricted area or which require their presence anywhere on association grounds.

(b) The commission may require a person working at a training center outside the enclosure, with horses competing at a track under the commission's jurisdiction, to obtain a valid license issued by the commission. A requirement for licensure under this section shall be made upon reasonable suspicion that such person's activities or reputation are inconsistent with maintaining racing with the highest standards and the greatest level of integrity. The executive director or judges may refuse entry or scratch any horse involving any such person who, after requested to obtain a valid license, fails to or is unable to obtain a license.

(c) Any person employed by an association solely to assist with the conduct of gambling games, or employed by a person or concern contracting with or approved by the association to provide a gambling game related service or commodity that requires their presence on association grounds, if in good standing and the holder of a current license issued by the gaming commission is considered a licensee of the commission, or must obtain a commission license if not in good standing and the holder of a current license issued by the gaming commission. Any licensee under this subsection is responsible for any and all obligations imposed upon a commission licensee under these rules and is subject to any sanctions, penalties, and/or fines for any violation of commission rules.

(d) Persons required to be separately licensed by the commission shall submit a completed application on forms furnished by the commission and accompanied by the required fee.

(e) License applicants may be required to furnish to the commission a set of fingerprints and a recent photograph and may be required to be refingerprinted or rephotographed periodically as determined by the

commission.

(Indiana Horse Racing Commission; [71 IAC 5.5-1-1](#); emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2849, eff Jul 1, 1995; emergency rule filed Mar 25, 1997, 10:00 a.m.: 20 IR 2155; errata filed Apr 9, 1997, 2:15 p.m.: 20 IR 2116; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: [20070404-IR-071070030RFA](#); emergency rule filed May 12, 2008, 1:29 p.m.: [20080521-IR-071080353ERA](#); emergency rule filed Sep 16, 2010, 12:19 p.m.: [20100922-IR-071100607ERA](#))

SECTION 3. [71 IAC 13.5-3-2](#) IS AMENDED TO READ AS FOLLOWS:

[71 IAC 13.5-3-2](#) Breeder's awards

Authority: [IC 4-31-3-9](#)

Affected: [IC 4-31](#)

Sec. 2. (a) A breeder award means the award is paid to the breeder of a registered Indiana bred which wins any race at a licensed pari-mutuel track located in Indiana.

(b) In the event of multiple breeders, the award will be paid to the individual designated as the recipient on the foal application. It is the responsibility of the designated recipient to distribute monies to the remaining breeders.

(c) The amount of the award in races at a licensed pari-mutuel track in Indiana is twenty percent (20%) of the gross purse, **including supplements**, for all stake, allowance (including Maiden Special Weight), and claiming races when entered for a claiming price of greater than or equal to ten thousand dollars (\$10,000).

(d) ~~The amount of the award shall not exceed fifteen thousand dollars (\$15,000).~~ The **total** purse supplement **earned available** shall be included in calculating breeder's awards.

(e) Awards will be paid by the commission.

(Indiana Horse Racing Commission; [71 IAC 13.5-3-2](#); emergency rule filed Jun 22, 2000, 3:05 p.m.: 23 IR 2787; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Jan 21, 2004, 2:30 p.m.: 27 IR 1922; emergency rule filed Jan 24, 2008, 10:58 a.m.: [20080206-IR-071080056ERA](#), eff Jan 23, 2008 [[IC 4-22-2-37.1](#) establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #08-56(E) was filed with the Publisher January 24, 2008.]; emergency rule filed Jun 10, 2009, 12:45 p.m.: [20090617-IR-071090464ERA](#), eff May 29, 2009 [[IC 4-22-2-37.1](#) establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #09-464(E) was filed with the Publisher June 10, 2009.]; emergency rule filed Jul 19, 2010, 12:22 p.m.: [20100728-IR-071100480ERA](#); emergency rule filed Sep 16, 2010, 12:19 p.m.: [20100922-IR-071100607ERA](#))

SECTION 4. [71 IAC 13.5-3-4](#) IS AMENDED TO READ AS FOLLOWS:

[71 IAC 13.5-3-4](#) Stallion owner's awards

Authority: [IC 4-31-3-9](#)

Affected: [IC 4-31](#)

Sec. 4. (a) A stallion owner award is the award is paid to the owner or lessee of a registered Indiana stallion whose registered progeny have won any race at a licensed pari-mutuel track located in Indiana.

(b) In the event of multiple stallion owners, the award will be paid to the individual designated as the recipient on the stallion application. It is the responsibility of the designated recipient to distribute monies to the remaining stallion owners.

(c) The amount of the award in races at a licensed pari-mutuel track in Indiana is ten percent (10%) of the gross purse, **including supplements**, for all stake, allowance, and claiming races when entered for a claiming

price of greater than or equal to ten thousand dollars (\$10,000).

(d) ~~The amount of the award shall not exceed seven thousand dollars (\$7,500).~~ The **total** purse supplement ~~earned~~ **available** shall be included in calculating stallion owner's awards.

(e) Awards will be paid by the commission.

(f) The award will be paid to the owner or lessee of the registered stallion at time of conception. The stallion must have been registered at time of conception.

(Indiana Horse Racing Commission; [71 IAC 13.5-3-4](#); emergency rule filed Jun 22, 2000, 3:05 p.m.: 23 IR 2787; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Jan 21, 2004, 2:30 p.m.: 27 IR 1922; emergency rule filed Jan 24, 2008, 10:58 a.m.: [20080206-IR-071080056ERA](#), eff Jan 23, 2008 [[IC 4-22-2-37.1](#) establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #08-56(E) was filed with the Publisher January 24, 2008.]; emergency rule filed Jun 10, 2009, 12:45 p.m.: [20090617-IR-071090464ERA](#), eff May 29, 2009 [[IC 4-22-2-37.1](#) establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #09-464(E) was filed with the Publisher June 10, 2009.]; emergency rule filed Jul 19, 2010, 12:22 p.m.: [20100728-IR-071100480ERA](#); emergency rule filed Sep 16, 2010, 12:19 p.m.: [20100922-IR-071100607ERA](#))

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